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Appl. No. 10/694,367
Amdt. dated August 3, 2006
Reply to Office action of May 4, 2006

REMARKS/ARGUMENTS

Applicant has received the Office action dated May 4, 2006, in which the Examiner: 1) rejected claims 1-30 under 35 U.S.C. § 101 because the claimed invention is allegedly directed to non-statutory subject matter; and 2) rejected claims 1-30 under 35 U.S.C. § 102(b) as being anticipated by Zhang et al. ("K-Harmonic Means – Data Clustering Algorithm," HP Laboratories Palo Alto). With this Response, Applicant amends the independent claims to address the Examiner's § 101 concerns and traverses all art rejections.

I. THE § 101 REJECTIONS

The Examiner alleges that the claims lack a "tangible" result and, on that basis, has rejected the claims as failing to comply with § 101. Claim 1 has been amended to state that the claimed "clustering" is to "determine a pattern in said dataset." Determining a pattern in the dataset is certainly a tangible result. At least for this reason claim 1 and its dependent claims comport with the requirements of § 101. The same or similar amendments have been made to the other independent claims. The claim amendments were made to overcome the § 101 rejections, not the art rejections.

II. THE ART REJECTIONS

Claim 1 requires "clustering the dataset by iteratively applying a regression algorithm and a K-Harmonic Means performance function on a set number of functions." The Zhang reference does not teach the combination of a regression algorithm and a K-Harmonic Means performance function. The Examiner identified pages 3-4 of the Zhang reference for this claim element, but that passage does not teach or even suggest combining a regression algorithm with a K-Harmonic Means performance function. Applicant's contribution in the present application is in the area of regression-clustering (RC). The Zhang reference is not directed to regression-clustering. Claim 1 focuses on this difference by requiring "clustering the dataset by iteratively applying a regression algorithm and a K-Harmonic Means performance function." The Zhang reference lacks this claim limitation.

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Additionally, in the Zhang reference, the clusters are represented by simple geometric centers. Each cluster is a subset of data surrounding a geometric point. In claim 1, however, clusters are represented by "functions" that correlate parameters of the dataset. As such, the claimed "functions" could be lines, curves, planes, hyperplanes, etc. For either or both of these reasons, claim 1 and its dependent claims are allowable.

Independent claims 9 and 15 and their dependent claims are allowable for the same or similar reasons as for claim 1.

Independent claim 18 requires "regressive clustering" of datapoints and independent claims 28 requires a "regression clustering algorithm." The Zhang reference does not teach or even suggest regressive clustering as explained above. For at least this reason, claims 18, 28 and their dependent claims are in condition for allowance.

With regard to claim 24, the Examiner quoted the claim language and simply pointed to page 1 of the Zhang reference. Independent claim 24 requires a plurality of data sources and a central station. Each of the plurality of data sources and the central station comprise a processor. The claim further requires that the processors of the data sources and the central station "are collectively configured to mine the datapoints of the data sources as a whole without transferring all of the datapoints between the data sources and the central station." The Applicant has reviewed page 1 of the Zhang reference, as well as the rest of the document, and simply does not find a teaching of this combination of limitations. Thus, the Applicant submits that claim 24 and its dependent claims are in condition for allowance. To the extent the Examiner intends to maintain this ground of rejection, the Applicant respectfully requests the Examiner to specifically identify in the Zhang reference the following limitations of claim 24:

- "plurality of data sources each having a processor"
- "central station coupled to the plurality of data sources and comprising a processor"

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- "the processors of the central station and plurality of data sources are collectively configured to mine the datapoints of the data sources as a whole without transferring all of the datapoints between the data sources and the central station"

III. CONCLUSION

Applicant respectfully requests reconsideration and that a timely Notice of Allowance be issued in this case. It is believed that no extensions of time or fees are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required (including fees for net addition of claims) are hereby authorized to be charged to Hewlett-Packard Development Company's Deposit Account No. 08-2025.

Respectfully submitted,



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